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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,550	11/15/2001	Yasuhisa Hayashi	216099US2	7362

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EXAMINER

NGUYEN, QUYNH H

ART UNIT PAPER NUMBER

2642

DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/987,550	Applicant(s) HAYASHI ET AL.	
	Examiner Quynh H Nguyen	Art Unit 2642	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.

Claim(s) objected to: None.

Claim(s) rejected: 1,3-10 and 12-18.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

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Continuation of 5. does NOT place the application in condition for allowance because: Applicant's remarks filed on 7/22/04 have been fully considered but are not persuasive.


Applicant argues that Chestnut does not teach a method or device for callers to select a call forwarding destination and a text-based communications mode comprising one of an email, a fax mode, and a chat mode as recited in claims 1 and 10. Examiner respectfully disagrees. Both Chestnut (see Fig. 1) and Perkins (see Fig. 1) teach facsimile capable devices, and facsimile is a text-based mode of communication.

Applicant argues that the mode of connection in Perkins means a pattern of connection between devices and there is no relation between the switching device of Perkins and the claimed feature of establishing a communication mode between the communication system and the communication terminal according to the information on the call forwarding destination. Examiner respectfully disagrees. Chestnut teaches establishing a communication mode ("distinguish between internal extensions 10, outside lines 28, cell phones, Internet voice, home fax 24, voice messaging system 18, and two way pagers") between the communication system and the communication terminal according to the information on the call forwarding destination (col. 3, lines 51-60 and col. 4, lines 36-57). Perkins teaches a switching device to permit two devices connected to the switching device to be interconnected into different interconnected modes of operation (Abstract) such as a fax machine (Fig. 1, 3), a telephone line via telephone cable 15, a computer 7, and a modem 5. The combination of Chestnut and Perkins references teaches the claimed invention. Applicant further argues that "Regarding modes, Perkins discloses several. For example, Mode 1 is "modem connected to communication line, fax disconnected". The mode of connection in Perkins apparently means a pattern of connection between devices."

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Examiner agrees with Applicant's remark that Chestnut is limited to voice and facsimile communications, and Alfred discloses speech-to-text conversion. The combination of the two references teaches the claimed invention since claims 4 and 13 recite "...media conversion including one of voice-to-text conversion and text-to-voice conversion". Furthermore, Applicant argues that Chestnut does not suggest Applicants' claimed media conversion part. Examiner respectfully submits that Chestnut teaches the telecommute server checks and instructs the PBX 4 to forward the call to the telephone extension associated with the device the called party has used to log onto the computer network or sends the incoming call to the voice messaging system if the called party is not logged onto the computer network. Alfred et al. teach a speech-to-text processor (Fig. 1, 113) to convert speech signals to text data. The combination of Chestnut and Alfred references teach the claimed invention.

Applicant argues that "media conversion part is a part via which the communication terminal and the call forwarding destination communicate with each other while performing media conversion". Examiner respectfully submits that this is not in the claims. Alfred et al. teach a speech-to-text processor (Fig. 1, 113) to convert speech signals to text data; the voice messaging system includes an automatic speech recognition unit that transcribes in real time the input speech signals into text data and delivers to the called party (col. 2, lines 31-36). The combination of Chestnut and Alfred references teach the claimed invention.


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PRIMARY EXAMINER